

ESTTA Tracking number: **ESTTA330863**Filing date: **02/05/2010**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	Silk Water Solutions Inc.		
Entity	Corporation	Citizenship	Canada
Address	101-12080 Nordel Way Surrey, BC V3W 6Y7 CANADA		

Attorney information	David A. Lowe Black Lowe & Graham, PLLC 701 Fifth Avenue, Suite 4800 Seattle, WA 98104 UNITED STATES lowe@blacklaw.com, sgist@blacklaw.com, litdocketing@blacklaw.com Phone:(206) 381-3300
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**Registration Subject to Cancellation**

Registration No	3360078	Registration date	12/25/2007
International Registration No.	NONE	International Registration Date	NONE
Registrant	Dassa Holdings Ltd. Unit 8 & 10, Merville Business Park Merville, Co. Donegal  IRELAND		

**Goods/Services Subject to Cancellation**

Class 001. All goods and services in the class are cancelled, namely: Water purification chemicals for use in swimming pools and spas
Class 003. All goods and services in the class are cancelled, namely: Cleaning preparations for use in swimming pools and spas

**Grounds for Cancellation**

Abandonment	Trademark Act section 14
Related Proceedings	Petition for Cancellation of Mark SILK BALANCE; Registration No. 3,335,526
Attachments	SILK-6-1002P01PET.pdf ( 3 pages )(32095 bytes )

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/David A. Lowe/
Name	David A. Lowe
Date	02/05/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SILK WATER SOLUTIONS INC.,

Petitioner,

v.

DASSA HOLDINGS LTD.,

Respondent.

Cancellation No.



Mark: SILKBALANCE

Reg. No. 3,360,078

Reg. Date: December 25, 2007

**PETITION FOR CANCELLATION**

Petitioner Silk Water Solutions Inc., a Canadian corporation with an address at 101-12080 Nordel Way, Surrey, BC, Canada V3W 6Y7, believes that it is or will be damaged by Registration No. 3,360,078 for the term SILK BALANCE in the name of Respondent Dassa Holdings Ltd., an Irish Limited Liability Company with an address at Unit 7 & 10, Moville Business Park, Moville, Co., Donegal, Ireland, and hereby petitions to cancel the same.


The application resulting in Registration No. 3,360,078 was filed February 13, 2007 and registered on the Principal Register on December 25, 2007 in Class 1 for “Water purification chemicals for use in swimming pools and spas” and Class 3 for “Cleaning preparations for use in swimming pools and spas.” The application and resulting registration claim 66A as the sole filing basis for both classes of goods.

The grounds for cancellation are as follows:

1. Respondent’s registered mark SILK BALANCE has been abandoned due to nonuse. Therefore, Petitioner alleges that Respondent’s registration does not function to identify any of Respondent’s goods or to distinguish them from goods offered by others.


2. Petitioner is the owner of pending U.S. Application Serial No. 77/921769 for the mark SILKBALANCE. This application was filed January 27, 2010 in Class 1 for “Water purification, stabilizing and buffering chemicals, all for use in swimming pools and spas” and


Class 3 for “Cleaning preparations for use in swimming pools, spas and plumbing lines” based on actual use since at least as early as December 20, 2007, and in Class 3 for “Absorbent pads for use in swimming pools, spas and plumbing lines” based on intent to use.

3. Petitioner is the owner of pending U.S. Application Serial No. 77/921759 for the design mark . This application was filed January 27, 2010 in Class 1 for “Water purification, stabilizing and buffering chemicals, all for use in swimming pools and spas” and Class 3 for “Cleaning preparations for use in swimming pools, spas and plumbing lines” based on actual use since at least as early as December 20, 2007, and in Class 3 for “Absorbent pads for use in swimming pools, spas and plumbing lines” based on intent to use.

4. Petitioner believes that registration of its U.S. Application Serial No. 77/921769 for the mark SILKBALANCE and/or its U.S. Application Serial No. 77/921759 for the mark



in Classes 1 and 3 will be refused over Respondent’s registration for the mark  in Classes 1 and 3 on the basis that Petitioner’s mark(s) so resemble Respondent’s mark as to be likely, when used on or in connection with the goods of Petitioner, to cause confusion, or to cause mistake, or to deceive. In addition, the evidentiary effect of Respondent’s registration tends to and will likely continue to impair Petitioner’s right to use of its

SILKBALANCE and/or  marks for goods in Classes 1 and 3. Petitioner is therefore likely to be damaged by Respondent’s registration.

WHEREFORE, Petitioner prays that this petition for cancellation be sustained in favor of Petitioner and that Registration No. 3,360,078 be cancelled.

The Petitioner hereby appoints the firm of BLACK LOWE & GRAHAM<sup>PLLC</sup> and Richard T. Black, Washington State Bar No. 20,899 and PTO Reg. No. 40,514; David A. Lowe, Washington State Bar No. 24,453 and PTO Reg. No. 39,281; Lawrence D. Graham, Washington

State Bar No. 25,402 and PTO Reg. No. 40,001; Richard R. Alaniz, Washington State Bar No. 26,194; Mark L. Lorbiecki, Washington State Bar No. 16,796 and PTO Reg. No. 45,643; H. Albert Richardson, Washington State Bar No. 13,197 and PTO Reg. No. 27,701; Darren J. Jones, Washington State Bar No. 21,953 and PTO Reg. No. 36,175; Douglas A. Grady, WSBA No. 36,100; P.G. Scott Born, Washington State Bar No. 35,199 and PTO Reg. No. 40,523; Richard C. Vershave, Washington State Bar No. 34,918 and PTO Reg. No. 55,907; and Ray W. Armentrout, WSBA No. 39,0001 and PTO Reg. No. 45,866, members of the firm, with full power to prosecute this petition, to transact all relevant business with the Patent and Trademark Office and in the United States Courts and to receive all official communications in connection with this petition.

Please direct all communications to:

David A. Lowe, Esq.  
BLACK LOWE & GRAHAM<sup>PLLC</sup>  
701 Fifth Avenue, Suite 4800  
Seattle, Washington 98104  
Direct Dial: 206.381.3303  
Facsimile: 206.381.3301  
Email: [lowe@blacklaw.com](mailto:lowe@blacklaw.com)

The required fee of \$300 is submitted herewith.

RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of February, 2010.

s/ David A. Lowe, PTO Reg. No. 39,281  
Email: [lowe@blacklaw.com](mailto:lowe@blacklaw.com)  
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